

DIAA Board of Directors' Meeting Minutes  
Thursday, December 10, 2015 – 9:00 a.m.  
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chairperson Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Dr. Mark Holodick, Dr. Kevin Fitzgerald, Susanne Williams, Evelyn Edney, Ted Laws, Craig Eliassen, Gary Cimaglia, Robert Cilento, Dr. Robert Walter, Mike Hart, Mike Breeding, Susan Coffing, Leroy Mann, Karen Field-Rogers, and Ron Eby. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Dr. Bradley Layfield was unable to attend.

C. Approval of Agenda

Mr. Eby made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of Minutes of DIAA November 5, 2015 Board Meeting

Mr. Eliassen made a motion to approve the minutes of the November 5, 2015 Board meeting. The motion was seconded by Mr. Cilento and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the revenue for FY16 was \$249,116. Revenue for the month of November was \$109,027 which mostly included tournament revenue, interest and corporate sponsorship. Mr. Charles then reported that the expenses for the FY16 were \$373,391. Expenses for the month of November were \$64,000 which included expenses for salary and OEC's, officials' dues, and a stipend to the Special Olympics. Mr. Charles stated that the deficit is a \$124,274 which is normal for this time of year. Mr. Eby made a motion to approve the financial report. The motion was seconded by Mr. Breeding and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 23 requests for sanctioning. Mr. Charles

reported that the 23 events included 8 indoor track, 6 basketball, 6 wrestling, and 3 outdoor track and field. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Mr. Hart made a motion to approve the 23 sanction events. The motion was seconded by Mr. Cimaglia and carried unanimously.

B. Interim Waiver by A. I. DuPont HS for 1009.2.4 DIAA-2015-12-1

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the January 21, 2016 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for winter athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles was sworn in. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Walter made a motion to go into deliberations. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Cilento made a motion to come out of deliberations. The motion was seconded by Ms. Williams and carried unanimously. Ms. Williams made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously.

Ms. Coffing made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 16 – yes (Taylor, Bedford, Williams, Edney, Laws, Eliassen, Cimaglia, Cilento, Coffing, Hart, Fitzgerald, Breeding, Holodick, Eby, Walter, and

Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for January 21, 2016 is no longer necessary and is cancelled.

E. Interim Waiver by Cape Henlopen HS for 1009.2.4 DIAA-2015-12-2

Ms. Taylor advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Cilento and Ms. Williams recused themselves. Mr. Cimaglia made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Breeding and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that this request is being conducted under a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the January 21, 2016 meeting should it be necessary. Ms. Taylor explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for winter athletics while predicting that the other items on the agenda would take up considerable time. It was confirmed for the record that Mr. Charles remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Dr. Walter made a motion to go into deliberations. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Laws made a motion to come out of deliberations. The motion was seconded by Mr. Hart and carried unanimously. Mr. Laws made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Dr. Walter made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver based on the evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the travel hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Taylor, Bedford, Edney, Laws, Eliassen, Cimaglia, Coffing, Hart, Fitzgerald, Breeding, Holodick, Eby, Walter, and

Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for January 21, 2016 is no longer necessary and is cancelled.

F. Request by DEBCA to Expand Baseball Tournament

Mel Gardner, Bob Colburn, George Eilers, and Chuck Clausious of the Delaware Baseball Coaches Association were in attendance to present this request.

Mr. Gardner explained to the Board that DEBCA was proposing an expansion of the DIAA baseball state tournament from 16 teams to 20 teams. Mr. Gardner explained that there will be 50 Delaware High Schools fielding a varsity baseball team in 2015-16. Mr. Gardner noted that overall, the programs in the state have improved and each year several competitive teams across the state miss out on qualifying for the state tournament by a few decimal points because only 16 teams are allowed to participate in the tournament. Mr. Gardner further explained that data from the last five years indicates that there is a marked drop in the qualifying index after the top 20 teams.

Mr. Gardner reported that the DEBCA Executive Board voted for this expansion proposal and that the coaches association voted unanimously. Mr. Gardner stated that the baseball state tournament committee and the north and south athletic directors all voted for this proposal. Mr. Gardner explained the proposal calls for the top 4 seeded teams to host a play-in double header on the first round of the tournament. The eight lowest seeded teams will play each other in the first game and the winner will play the host in the second game. Pitching limits will have to be amended to account for playing two games in one day.

Mr. Charles reviewed the Sports Medicine Advisory Committee's language on pitching. Mr. Eilers stated that he is working with coaches with regards to pitching.

Mr. Charles asked why DEBCA did not go with a Division I and Division II and Mr. Gardner replied that the coaches were overwhelmingly against that format.

Dr. Fitzgerald made a motion to accept the proposal to change the baseball state tournament from 16 teams to 20 teams. The motion was seconded by Mr. Laws. Ms. Taylor asked to amend the motion to a two-year trial. Dr. Fitzgerald and Mr. Laws both accepted the amendment. The motion carried unanimously.

The Board recessed at 10:15 a.m. and reconvened at 10:25 a.m.

C. Request to Waive 1009.4.1.3 Spring Sport Season by Padua

Lindsay Brown, athletic director at Padua Academy and Michael Sheehan were in attendance to present this request.

Ms. Brown explained that Padua Academy was requesting permission for their girls soccer program to play out of season on March 19 and March 20. Ms. Brown further explained that due to a division shift in her conference she was left with five games to fill their schedule. Ms. Brown stated that due to their state ranking and their divisional placement they had a very difficult time scheduling in-state teams. In addition, Ms. Brown explained that Maryland, Pennsylvania, and New Jersey all play girls soccer in the fall making it difficult for Padua to find out-of-state opponents. Ms. Brown explained that Padua played in this tournament in 2015 but due to a shift in the calendar the 2016 dates were before the first allowable competition date in Delaware.

Mr. Eby made a motion to support the waiver and allow Padua Academy to play in Virginia on March 19 and March 20. The motion was seconded by Mr. Eliassen and carried unanimously.

D. Request by First State Military Academy to Waive 1006.2.4

Arles Wood, athletic director at First State Military Academy, was in attendance to present this request.

Mr. Wood explained that he was requesting a waiver of 1006.2.4 to allow his individual athletes to participate in the individual state tournaments.

Mr. Charles explained that First State Military Academy is a new school and regulation 1006.2.4 states that in order to participate in a state tournament you must be a DIAA member school for a minimum of two full school years and sponsor a minimum of two grades one of which must be the eleventh grade. Mr. Charles stated that First State Military currently has only 9<sup>th</sup> and 10<sup>th</sup> grades and are in their first year as a member of DIAA. Mr. Charles stated that in the past the Board granted a similar waiver for MOT, Newark Charter and Sussex Academy of the Arts and Science.

Mr. Hart made a motion to approve the request for two years for all individual sports and not team sports. The motion was seconded by Mr. Mann and carried unanimously.

G. Request by DIAA Soccer Committee for 4<sup>th</sup> Scrimmage

Mr. Charles explained that the Soccer Committee was asking permission to

participate in a 4<sup>th</sup> scrimmage due to the number of days between the end of the regular season and the start of the state tournament. Mr. Charles stated that the number of days between regular season and the start of the state tournament could sometimes be 7 to 10 days. Some Board members expressed concern of injuries. Dr. Fitzgerald made a motion to table this till the January meeting so that the schools can comment on the proposal at the DIAA Annual meeting. The motion as seconded by Mr. Laws and carried unanimously.

#### IV. Executive Director Report

##### A. Legal – No Report

##### B. Update on DE SBE Actions on DIAA Regulations

Ms. Geiszler reminded the Board that in response to public comment the Age Waiver Rule was pulled out of the regulations currently before the Delaware State Board of Education. The remainder of the changes will be considered by the State Board of Education in January. A draft of the revised Age Waiver Rule was presented to the Board. The Board discussed the draft. Ms. Geiszler will edit the draft and present to the Board at a later date.

##### C. Fall Tournament Update

Mr. Charles provided the Board with a review of the Fall DIAA State Tournaments. Attendance for fall tournaments was very good. Volleyball and football set new attendance records. Field Hockey and Soccer total attendance was the third and fourth highest respectively. Total fall attendance was the highest on record. Mr. Charles attributed some of the increased attendance to growth in student sections at state tournament events. Mr. Charles reported that the Unified Flag Football games played between the Division I and Division II finals were very successful. Mr. Charles recognized the great support provided by Special Olympics Delaware which was critical to the event's success. Mr. Charles commented that moving the football finals and field hockey semifinals and finals to the University of Delaware stadium and Rullo Stadium respectively were successful moves that were well received by students and member schools. Mr. Charles also commented that the expansion of the volleyball tournament went very well this year. Medical coverage at DIAA tournament events was outstanding. Medical incidents on the field and in the stands were handled exceptionally well. The new apparel vendor, Marketing Special Promotions do business as Gree-Tees appeared to be well received by event patrons. Apparel sales exceeded projections.

##### D. Sportsmanship Committee Report

Mr. Charles recognized Mr. Neubauer who presented this report. Mr.

Neubauer provided a brief summary of fall sportsmanship. One issue from the fall tournament discussed by the Sportsmanship Committee was the need to establish a code of conduct and protocol for handling student sections.

E. Mr. Charles commented on the merger between Tall Oaks Classical School and RLCA.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Laws made a motion to adjourn at 11:45 a.m. The motion was seconded by Dr. Edney and carried unanimously.

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Tina Bates